



Doc Code: AP.PRE.REQ

PTO/SB/33 (08-08)
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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

132763

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on 1 September, 2008

Signature

Typed or printed name Mette Klein

Application Number

10/567,914

Filed

02/07/2006

First Named Inventor

Jan Kristensson

Art Unit

3749

Examiner

Samantha Miller

BY COURIER

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

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applicant/inventor.

☐

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

☒

attorney or agent of record.

Registration number 51,535

☐

attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34

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1 September, 2008

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

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*Total of 1 forms are submitted.

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IN THE UNITED STATES PATENT OFFICE

Application number: 10/567,914

Art unit: 3749

First named inventor: Jan Kristensson

Title: Air supply device.

Filing Date: February 7, 2006

Examiner Name: Samantha A. Miller

Attorney Docket Number: 132763

Argument for pre-appeal brief request for review.

In response to the office action mailed in this matter June 12, 2008, applicants respectfully request pre-appeal brief review in this matter. As set forth in the argument below, the examiner's rejection is clearly improper and without basis.

(1). Question on appeal.

The examiner finds that all claims are unpatentable as obvious over the applicant's own prior art patent 5,167,577, in light of German patent DE 2608792. The specification clearly describes at p. 4, line 21 to 37, new, inventive features that improve over the applicant's prior patent [emphasis added]:

"Figure 5 illustrates what is happening at a prior art device. Here, non-parallel partial air streams 6a are discharged, which instead are directed partially towards each other, which means that said partial air streams 6a collide with each other and become turbulent. Hereby, a wide turbulent zone 7a is generated around the clean-air zone 7 and outside thereof the air is subjected to substantial turbulence, which is shown with arrows.

Figure 6 illustrates with a similar view what is happening at a device according to the invention. Here, parallel partial air streams 6a are

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6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
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discharged or exhausted, which means that these do not disturb each other when they flow out and thereby, a laminar air flow is generated without turbulence close to the body 11 or farther out therefrom. This in turn results in that the turbulent zone 7a around the clean-air zone 7 becomes more narrow and the turbulence around it less."

The applicants previously amended the sole independent claim to include the limitation "wherein the air flow generated through said air permeable body is substantially laminar."

The question on appeal is, thus, whether the device described in DE2608792 could produce air flows that are substantially laminar.

A common definition of "laminar flow" is given by Wikipedia: "Laminar flow, sometimes known as streamline flow, occurs when a fluid flows in parallel layers with no disruption between the layers...It is the opposite of turbulent flow"

The examiner concludes that the German patent (i) describes a device having rectilinear air passages and (ii) clearly states that the air flow which it generates is "turbulence free."

(2). The examiner clearly errs in concluding that the German device provides "hexagon air passages made up of 6 straight lines."

The examiner erroneously characterizes the air jets described by the German reference as "hexagon air passages." The German patent refers to a "honeycombed jet casing" (emphasis added). The "radially arranged expanding jets" are conical having a cone angle less than 15 degrees. This is clearly explained in the examiner's own original citation of the German reference from a Derwent abstract: "Multiple nozzle for producing a radial displacement air flow for germ-free rooms, comprises a cylindrical air inlet pipe section

leading into the circular sectional plane of a cup-shaped member. The surface of the latter consists of a honeycomb-like arrangement of conical nozzles of which the cone angle is less than 15 deg. (emphasis added)”

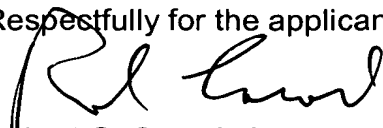
(3). The examiner clearly errs in concluding that the displacement flow produced by the device described in DE2608792 is “clearly described as turbulent-free air.”

The examiner erroneously characterizes the German reference as describing a device that produces displacement flow which is “clearly described as turbulent-free air.” The German reference solves a problem in the prior art clean air ventilation systems in that disturbance sources such as lamps, human beings and technical devices can produce contaminated air. The German patent refers to two general prior art systems for clean air ventilation. In one such prior art system, “turbulence free displacement flows, coming from one side of the room...are generated which deviate floating particles from the clean-air room.” In “another arrangement” described by the German reference, “clean air flow is conducted towards an operating area through an axial and turbulent...jet.”

The German reference teaches a solution to the problem of “disturbance sources” in a clean air room by conducting displacement flows radially (i.e., precisely NOT parallel) against the disturbance source. The German reference plainly teaches that its conical air jets produce a conical expansion of the supply air directed radially against a disturbance source. The unparallel displacement flow having conical expansion could not be laminar flow in any case. Not only does the German reference NOT assign any importance to laminar air flow, it teaches that a “protection layer of wire mesh” is critical to the device. Such a wire mesh would introduce substantial turbulences, as the applicants have clearly explained in post-interview email communications with the examiner.

The applicants respectfully submit that the examiner has clearly erred in concluding that the air flows produced by the device described in DE2608792 would be substantially laminar. Accordingly, the applicants request allowance of all claims.

Respectfully for the applicants,



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USPTO Registration Number: 51, 535

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